

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

<b>DERRICK ISSAC,</b>	)	<b>CASE NO. 8:05CV492</b>
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b>ORDER</b>
	)	
<b>VALMONT INDUSTRIES, INC., d/b/a</b>	)	
<b>CENTRAL NEBRASKA TUBING,</b>	)	
	)	
<b>Defendant.</b>	)	

This matter is before the Court on the Defendant's Motion to Dismiss Count III of the Plaintiff's Complaint (Filing No. 4). The motion was filed on October 31, 2005. On November 7, 2005, the Plaintiff moved to amend his Complaint, and leave was granted. (Filings No. 10 and 13). The Amended Complaint, containing only two counts, was filed on December 13, 2005 (Filing No. 14), and the Defendant filed its Answer to the Amended Complaint on December 20, 2005 (Filing No. 16). Accordingly, the Defendant's Motion to Dismiss Count III of the original Complaint is now moot.

IT IS ORDERED:

1. The Defendant's Motion to Dismiss Count III of the Plaintiff's Complaint (Filing No. 4) is denied as moot.

Dated this 4<sup>th</sup> day of January, 2006.

BY THE COURT:

s/Laurie Smith Camp  
United States District Judge